Remarks

Response to Restriction Requirement

Claims 78-99 are pending in this application and are subject to a (second) Restriction Requirement under 35 U.S.C. §121 and §372. The Office has divided the claims into Groups I-II. Applicants traverse this restriction requirement and request that claims 78-99 be examined together in this application.

37 CFR § 1.475 requires unity of invention in the current national stage application. Unity of invention is present when a group of inventions are "so linked as to form a single general inventive concept" (*See* 37 CFR § 1.475(a)). "A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature" (MPEP § 1893.03(d); *see also* 37 CFR § 1.475(a)). Further, "The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art" (*See* 37 CFR § 1.475(a)).

The Office asserts that "a special technical feature is absent given that the compounds claimed of the compounds of *formula XVI*, is not novel (see U.S. 6,077,928, Polymer Example 2, of record)" (Office action at page 2, emphasis added). However, in response to the first Restriction Requirement that was submitted on June 25, 2009, the claims were amended to remove reference to formula XVI and to recite methods solely using pharmaceutical compositions of formula XV. Thus, *a compound of formula XVI is not recited in any of the pending claims*, and the Office has mis-assigned the "special technical feature". Further, the cited reference (U.S. Pat. No. 6,077,928) is not relevant to the pending claims, because the reference does not describe any pharmaceutical composition comprising formula XV, or any method of using such compositions to inhibit an activity of a GRP peptide.

Applicants submit that all of the pending claims are unified by at least the special technical feature of methods of *inhibiting an activity of a GRP peptide* with a pharmaceutical composition comprising a compound of *formula XV*. No reference on record teaches the claimed invention or destroys the novelty of this feature. Therefore, claims 78-99 contain an appropriate

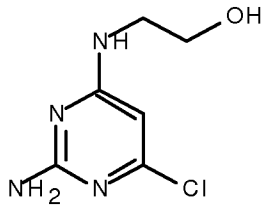
"corresponding special technical feature" sufficient for fulfilling the unity of invention requirement (*See* 37 CFR § 1.475(a); MPEP § 1893.03(d)). Applicants request that the restriction requirement be withdrawn, and that all of the pending claims be examined in the current case.

In accord with 37 CFR §1.143, Applicants specifically reserve the right to petition to have the appropriateness of the finding of lack of unity/restriction requirement reconsidered, if it is maintained in spite of this response.

Required election

In accordance with the requirements of existing Office rules, and in case the above arguments are not successful at obtaining examination of all of the now-pending claims, Applicants hereby elect **Group I** (methods of inhibiting an activity of a GRP peptide … [using] formula XV) for prosecution in the subject application with traverse. This election currently corresponds to **claims 78-97**.

Until a generic claim is held to be allowable, Applicants further elect the species **compound XV'** as the compound to be examined initially (claims 78-99), and **cellular proliferative disease** as the disease to be examined initially (claims 78-82, 84-90 and 92-99). The structure of compound XV' is:



Conclusion

Based on the foregoing Response, the claims are in condition for substantive examination. If any issues remain to be addressed prior to examination, the Examiner is invited to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

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